



**Benton County Planning Board  
Public Hearing  
Technical Advisory Committee Meeting**

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May 1, 2013

6:00 PM

Benton County Administration Building  
215 East Central Avenue

**Meeting Minutes**

**PUBLIC HEARING:**

**Call to Order:** The meeting was convened at 6:00 PM by Planning Board Chair Mark Curtis.

**Roll Call:** Mark Curtis, Ken Knight, Starr Leyva, Ashley Tucker, and Rick Williams were present. Jim Cole was absent.

**Persons present in addition to the Board:** Planning Division Manager Rinkey Singh, Planning Coordinator M.J. McGetrick, Planning Assistant Matt Benton, Chief Building Inspector Glen Tracy, and Administrator of General Services John Sudduth. Three (3) members of the public were also present.

**Disposition of Minutes:** Mr. Tucker moved to approve the minutes. The motion was seconded by Mr. Knight, to approve the April 17, 2013 Planning Board meeting minutes. The motion carried 6-0.

**General Public Comment:** None

**Old Business:** None

**New Business: Center Point Contractors, LSD 13-259, 10316 East Highway 72 Bentonville**

Represented by: Bill Platz of WR Consulting and Chris McDaniel of Center Point Contractors

Planning Board Chair Mark Curtis asked the applicant if he would like to make any comments prior to Staff's presentation. Mr. Platz replied that he had no comments to give at that time.

**Staff Updates:** Staff noted the driveway proposed from the access easement to the west of the property had been removed. The only proposed access was the 20 foot access from Highway 72.

Staff noted the applicant would be combining the north and south properties which had been approved.

Staff stated the gravel parking areas had been labeled by use and the dimensions of the gravel lots had been indicated. Staff noted, however, the parking stalls did not show accurate length and width dimensions or the handicapped stalls. Staff stated that an updated site plan had been submitted, but that there hadn't been time to review it prior to the night's meeting. Staff felt the updated site plan, however, addressed the issues that needed correcting.

Staff felt the vegetation on site would constitute adequate screening, but that the Board might want to consider additional screening. Staff noted the residence to the north could be seen during the site visit.

Staff recommended the Board discuss the height and type of materials stored in the material storage area, and also consider the frequency of material being stored on site.

The applicant provided Staff with an updated drainage plan. Staff requested further information from the applicant regarding the existing pond. If the pond is to be filled, the applicant was informed to note that on the site plan.

Staff requested the applicant verify the amount of water draining to the property from the north and indicate on the site plan.

Staff commented that the additional proposed septic tank and fields had been noted on the site plan.

Staff identified the following deficiencies in the site plan:

- Site lighting, type, and location to be identified.
- Dimensions of all access driveways to be noted.
- Any proposed landscaping or vegetation to be used as buffering to be labeled.
- Dimensions of parking and handicap parking areas should be noted on the site plan.
- The type and use of outdoor equipment should be noted.

Staff felt the Board should consider the following stipulations if granting approval of the proposal:

- Standard conditions shall apply.
- An updated site plan which addressed all deficiencies should be submitted to Staff before issuance of a building permit.
- The drainage plan should be adjusted as required by the Planning Board within a week of the Board decision.
- Health Department approval of the septic system be provided to Staff before issuance of a building permit.
- Highway Department approval of proposed access be provided to Staff before issuance of a certificate of occupancy.

**Comments from the Applicant:** Mr. McDaniel stated he would be using a CAT telehandler to offload equipment and material. He said the material would consist primarily of steel beams, angle iron, and similar material.

Mr. Curtis asked the applicant how long material would be stored in the storage area. Mr. McDaniels replied that the turnaround was usually 30 days.

Mr. Platz stated that cutoff lighting would be installed at the peak of the building on both ends.

Mr. Platz stated the drainage report had been updated. He noted the pond had been breached and would be removed. He said the church may bring the pond back at a later date.

Mr. Platz felt that the existing vegetation would provide sufficient screening. Mr. McDaniel stated he was not opposed to adding more vegetative buffering. Mr. Curtis told the applicant that the vegetative buffer along the northern property line appeared sparse.

**Comments from Board:** Mr. Knight commented that the existing vegetative cover might only be sufficient during the summer months when the trees have leaves. He stated an evergreen might provide more buffering. He added trees generally don't provide the best buffering.

Mr. Knight thanked the applicant for including full cut off lighting.

Mr. Tucker asked the applicant if the existing pond was shared with the property to the northeast. Mr. McDaniels replied the pond was shared with the church to the northeast. Mr. Platz commented that 30-40 acres on the other side of Highway 72 drained into the pond and that it would be hard for the pond to contain the increased amount of drainage. Mr. McDaniel's added that the church planned on filling in the pond.

Mr. Tucker asked the applicant if the Highway Department had commented on the proposed access off Highway 72. Mr. Platz replied that he had consulted with the Highway Department and that he was waiting for the Board's approval before putting down a deposit.

Ms. Leyva asked if the applicant had submitted the proposed septic system to the Health Department for approval. Mr. Platz replied that he sent the application to the Health Department. Ms. Leyva remarked that she didn't see an alternate septic field labeled on the site plan. Mr. Platz stated that he would add a line from the old building to the new system.

Mr. Tucker asked the applicant if an updated site plan could be provided to Staff within a week of the Board's decision. Mr. Platz replied that he had already given an updated plan to Staff.

Ms. Leyva asked the applicant if a fence would be built around the material storage area. Mr. McDaniel replied that he might possibly build a new fence on the north side in the future. Mr. Tucker responded that it would be hard for the Board to approve something that was not on the plan. Mr. Platz stated that he would add three (3) evergreens for additional screening to the plan.

**Vote:** Mr. Tucker moved to approve the proposal. The motion was seconded by Mr. Williams. The motion passed 6-0.

The Public Hearing ended at 6:30 PM.

#### **TECHNICAL ADVISORY COMMITTEE**

**Call to Order:** 6:31 PM

**Old Business:** None

**New Business:** None

**Staff Updates:** Mr. Sudduth announced that Chris Ryan had resigned as Director of Planning and Environmental.

#### **Discussion: Proposed Appeal Board**

Mr. Curtis stated that an appeal board for the building codes was required by law. He suggested the floodplain, building, and planning appeal boards be combined.

Mr. Knight brought up some issues with appeal boards. He stated that the planners and the Justices of Peace must be knowledgeable of the appeal process in order to make an informed decision.

Mr. Tucker stated appeal boards can be used in separate ways. He said architects and engineers would be best suited for building appeals and land use attorneys and engineers for planning appeals. He said he had seen examples where appeal boards were subscribed from local professionals. He stated one of the possibilities would be a combination of Justices of the Peace and local professionals.

Mr. Pate commented that he would prefer to see an appeal board composed of professionals familiar with the technical details and not political people. He said political people could be influenced by the desire to obtain votes.

Ms. Leyva commented that she did not like the idea of non-professionals on an appeals board. She said Justices of the Peace are not automatically professionals and may not fit the criteria needed. She said she preferred people with extensive knowledge.

Mr. Curtis asked Ms. Leyva how many members should serve on the appeal board. Ms. Leyva thought the appeal board should consist of five (5) to seven (7) individuals. Mr. Knight commented that five (5) members would be appropriate. Mr. Pate added that alternates would be needed in case of absentees.

Mr. Williams stated he preferred not to have political people sitting on an appeal board. He added that the County has been negligent in not already having an appeal board. He suggested not including any Justices of the Peace on the proposed board.

Mr. Curtis stated that he did not have a problem with a Justice of the Peace being a member on the appeal board. He noted a couple of Justices of the Peace were very adamant that the County residents should have the opportunity to go in front of the them. He suggested that making one of the appeal board member a Justice of the Peace would accommodate this request.

Mr. Pate commented that a variety of types of people including both Justices of the Peace and professionals would be a good idea for an appeal board.

Mr. Sudduth asked the Board for advice on what type of professionals should serve on the appeal board. He suggested hiring a couple of alternates in case of an absence.

Mr. Tucker stated he has witnessed a couple of occasions where an appeal board would have the local fire chief as a member. Mr. Sudduth remarked that no County employees would serve on the County's appeal board.

Mr. Knight asked if the County would be providing adequate compensation to potential appeal board members. Mr. Sudduth replied that the members would be compensated.

Mr. Leyva commented that the Justices of the Peace want to go looser than the State Regulations on subdivisions. She noted that the County can only go stricter, not looser.

Ms. Singh stated she had researched how other counties handle temporary uses. She noted that Washington County had criterias that must be met before a temporary use gets reviewed. Mr. Tucker argued that the County should simplify the regulations regarding temporary uses.

The meeting adjourned at 7:20 PM.